

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

THIRTY-THIRD LEGISLATIVE DAY
FRIDAY, FEBRUARY 7, 2003

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Burkett, Cameron, Little, Noh, Pearce, Stegner, and Stennett, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Erin Darnell, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Burkett, Cameron, Little, Noh, Pearce, Stegner, and Stennett were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 6, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 7, 2003

The JUDICIARY AND RULES Committee reports that **S 1065, S 1066, S 1067, S 1068, S 1069, S 1070, S 1071, S 1072, S 1073, S 1074, S 1075, S 1076, and S 1077** have been correctly printed.

DARRINGTON, Chairman

S 1065 and **S 1066** were referred to the Commerce and Human Resources Committee.

S 1067, S 1068, S 1073, S 1074, S 1075, S 1076, and S 1077 were referred to the Health and Welfare Committee.

S 1069 was referred to the State Affairs Committee.

S 1070 and **S 1071** were referred to the Local Government and Taxation Committee.

S 1072 was referred to the Finance Committee.

February 6, 2003

The JUDICIARY AND RULES Committee reports that **S 1001** has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1001** and ordered it transmitted to the House for the signature of the Speaker.

February 6, 2003

The JUDICIARY AND RULES Committee reports that Enrolled **S 1022** and **S 1025** were delivered to the Office of the Governor at 1:15 p.m., February 6, 2003.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 7, 2003

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

James Kile to the Idaho Industrial Commission, term to expire January 13, 2003.

ANDREASON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 6, 2003

The TRANSPORTATION Committee reports out **S 1011** with the recommendation that it do pass.

INGRAM, Chairman

S 1011 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 6, 2003

Mr. President:

I transmit herewith **H 132**, **H 134**, **H 56**, **H 65**, and **H 130** which have passed the House.

JUKER, Chief Clerk

H 132, **H 134**, **H 56**, **H 65**, and **H 130** were filed for first reading.

February 6, 2003

Mr. President:

I transmit herewith Enrolled **H 53** and **H 54** for the signature of the President, and I return herewith Enrolled **SCR 101**, which has been signed by the Speaker.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 53** and **H 54** and ordered them returned to the House.

Enrolled **SCR 101** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President Pro Tempore announced the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Pamela J. Huntsman was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Burkett, the Gubernatorial appointment of Pamela J. Huntsman as a member of the Idaho Sexual Offender Classification Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials**S 1078****BY TRANSPORTATION COMMITTEE****AN ACT**

RELATING TO PARKING FOR PERSONS WITH A DISABILITY; AMENDING SECTION 49-213, IDAHO CODE, TO REVISE TERMINOLOGY, TO REQUIRE DESIGNATION OF SPACES, TO AUTHORIZE ADDITIONAL ENFORCEMENT AUTHORITY, TO PROHIBIT IMPROPER

PARKING AND TO PROVIDE PENALTIES; AND AMENDING SECTION 49-410, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE ADDITIONAL AUTHORITY TO AUTHORIZE A TEMPORARY PLACARD, TO INCREASE FINES FOR MISUSE AND TO MAKE TECHNICAL CORRECTIONS.

S 1079**BY TRANSPORTATION COMMITTEE****AN ACT**

RELATING TO THE LOCAL HIGHWAY TECHNICAL ASSISTANCE COUNCIL; AMENDING SECTION 40-2401, IDAHO CODE, TO PROVIDE THAT SERVICES PERFORMED BY COUNCIL MEMBERS MAY BE COMPENSATED AT A RATE NOT TO EXCEED ONE HUNDRED DOLLARS PER DAY AS DETERMINED BY THE MEMBERS' RESPECTIVE ASSOCIATIONS AND TO DELETE CERTAIN STATUTORY LIMITS ON REIMBURSEMENT OF COUNCIL MEMBERS FOR ACTUAL AND NECESSARY EXPENSES.

S 1080**BY TRANSPORTATION COMMITTEE****AN ACT**

RELATING TO SPECIAL MOTOR VEHICLE LICENSE PLATES; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-403B, IDAHO CODE, TO ESTABLISH AN IDAHO KILLED IN ACTION SPECIAL LICENSE PLATE PROGRAM; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CODE REFERENCE, TO MAKE A TECHNICAL CORRECTION AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 49-402C, IDAHO CODE, TO PROVIDE AN EXCEPTION FROM THE PROVISION REQUIRING DISCONTINUATION OF A SPECIAL LICENSE PLATE PROGRAM AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING AN EFFECTIVE DATE.

S 1081**BY TRANSPORTATION COMMITTEE****AN ACT**

RELATING TO DISSOLUTION OF HIGHWAY DISTRICTS; AMENDING SECTION 40-1802, IDAHO CODE, TO REVISE THE MINIMUM SIGNATURE REQUIREMENTS FOR A PETITION OF DISSOLUTION OF A HIGHWAY DISTRICT; AND DECLARING AN EMERGENCY.

S 1082**BY TRANSPORTATION COMMITTEE****AN ACT**

RELATING TO SPECIAL MOTOR VEHICLE LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CODE REFERENCE AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-419C, IDAHO CODE, TO ESTABLISH AN IDAHO WHITE WATER RAFTING SPECIAL LICENSE PLATE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

S 1083
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
 AN ACT

RELATING TO EXTRAORDINARY GAINS IN THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1309, IDAHO CODE, TO PROVIDE A SPECIFIC APPLICATION FOR THE ALLOCATION TO EMPLOYERS OF PAID FIREFIGHTERS.

S 1084
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
 AN ACT

RELATING TO DEFERRED COMPENSATION PROGRAMS; AMENDING SECTION 59-513, IDAHO CODE, TO AUTHORIZE THE STATE BOARD OF EDUCATION TO SET UP AND REGULATE DEFERRED COMPENSATION PROGRAMS FOR CERTAIN ELIGIBLE EMPLOYEES, TO PROVIDE RULEMAKING AUTHORITY AND TO PROVIDE CORRECT TERMINOLOGY.

S 1085
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
 AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-721, IDAHO CODE, TO ALLOW PARTICIPATION INTERESTS IN ANY BOND, NOTE OR EVIDENCE OF INDEBTEDNESS IF CERTAIN CONDITIONS OCCUR AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 7, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-736, IDAHO CODE, TO PROVIDE A SIXTY-FIVE PERCENT ASSET LIMITATION FOR INSURERS INVESTING IN MORTGAGES; AMENDING SECTION 41-2804, IDAHO CODE, TO ALLOW INSURERS TO ISSUE MORE THAN ONE CLASS OF STOCK AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 41-2835, IDAHO CODE, TO DELETE LANGUAGE STATING THAT A DIRECTOR OF A STOCK INSURER SHALL BE A STOCKHOLDER.

S 1086
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
 AN ACT

RELATING TO WAGES; AMENDING SECTIONS 44-1001 AND 44-1002, IDAHO CODE, TO DELETE LANGUAGE REQUIRING A SPECIFIC PERCENTAGE OF IDAHO RESIDENTS TO BE EMPLOYEES ON CERTAIN PUBLIC PROJECTS AND REQUIRING THE PAYMENT OF STANDARD PREVAILING WAGES IN A COUNTY; AMENDING CHAPTER 10, TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 44-1006, IDAHO CODE, TO SET FORTH A PROCEDURE FOR DETERMINING PREVAILING WAGES IN A COUNTY; AND AMENDING TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 11, TITLE 44, IDAHO CODE, TO DEFINE A DAY'S WORK FOR PERSONS EMPLOYED IN MANUAL LABOR FOR THE STATE OR POLITICAL SUBDIVISIONS OF THE STATE, TO PROVIDE EXCEPTIONS AND TO PROVIDE PENALTIES.

S 1087
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
 AN ACT

RELATING TO WORKER'S COMPENSATION BENEFITS; AMENDING SECTION 72-430, IDAHO CODE, TO PROVIDE FOR REDUCTION OF INCOME BENEFITS OTHERWISE PAYABLE FOR PARTIAL PERMANENT DISABILITY OR TOTAL PERMANENT DISABILITY UPON A SCHEDULE, TO PROVIDE THAT NOTHING SHALL AFFECT THE RIGHT OF AN EMPLOYEE TO RECEIVE BENEFITS FOR PERMANENT PHYSICAL IMPAIRMENT AS OTHERWISE PROVIDED IN THE WORKER'S COMPENSATION LAW AND TO PROVIDE APPLICATION.

S 1088
BY AGRICULTURAL AFFAIRS COMMITTEE
 AN ACT

RELATING TO CONFINED ANIMAL FEEDING OPERATIONS AND THE LOCAL PLANNING ACT; AMENDING SECTION 67-6529, IDAHO CODE, TO DELETE THE WORD "LARGE" IN COUNTY SITING PROGRAMS FOR CONFINED ANIMAL FEEDING OPERATIONS, TO PROVIDE REQUIREMENTS FOR ORDINANCES AND TO PROVIDE PROCEDURES, REPORTS AND ANIMAL COUNTS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS OR CONFINED ANIMAL FEEDING OPERATIONS; AND AMENDING SECTION 22-103, IDAHO CODE, TO PROVIDE FOR REPORTS AND ANIMAL COUNTS BY THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE AND TO PROVIDE FOR RULES.

S 1089
BY AGRICULTURAL AFFAIRS COMMITTEE
 AN ACT

RELATING TO CRUELTY TO ANIMALS; AMENDING SECTION 25-3520A, IDAHO CODE, TO PROVIDE FOR PENALTIES, TO STRIKE UNNECESSARY VERBIAGE AND TO PROVIDE A CIVIL PENALTY.

S 1078, S 1079, S 1080, S 1081, S 1082, S 1083, S 1084, S 1085, S 1086, S 1087, S 1088, and S 1089 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 132 and H 134, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 56 and H 65, by Mr. Speaker, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 130, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 33, by Mr. Speaker, was read the second time at length and filed for third reading.

S 1029, S 1030, S 1031, S 1032, S 1033, and S 1034, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

H 84, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1002, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

H 90 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Richardson. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 90** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 91** retained its place on the Third Reading Calendar for one legislative day.

H 86 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Richardson. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 86** passed, title was approved, and the bill ordered returned to the House.

S 1035 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ingram arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Calabretta. Total - 1.

Absent and excused--Burkett, Richardson. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1035** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:55 a.m. until the hour of 11 a.m., Monday, February 10, 2003.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary